

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

ASHTON GLENFORD MENDEZ,
a/k/a Ashton Augustine,

Petitioner,

v.

9:03-CV-1330

ALBERTO GONZALEZ,

Respondent.

APPEARANCES:

OF COUNSEL:

FOR PETITIONER:

[last known address]

ASHTON GLENFORD MENDEZ, pro se

a/k/a Ashton Augustine

DIN#: 86071

York County Prison

3400 Concord Road

York, Pennsylvania 17402

FOR RESPONDENT:

HON. GLENN T. SUDDABY

United States Attorney

Northern District of New York

Federal Building

100 S. Clinton Street

Syracuse, New York 13261-7198

PAULA RYAN CONAN, ESQ.

Assistant U.S. Attorney

NORMAN A. MORDUE, CHIEF JUDGE

ORDER

The above matter comes to me following a Report-Recommendation by Magistrate Judge David E. Peebles, duly filed on the 20th day of November, 2006. Following ten days from the service thereof, the Clerk has sent me the file, including any and all objections filed

by the parties herein.

After careful review of all of the papers herein, including the Magistrate Judge's Report-Recommendation, and no objections submitted thereto, it is

ORDERED, that:

1. The Report-Recommendation is hereby approved.

2. This action is dismissed pursuant to Rule 41(b) of the Federal Rules of Civil Procedure, based upon petitioner's failure to prosecute and to comply with this court's orders and local rules of practice.

3. The Clerk of the Court shall serve a copy of this Order upon all parties and the Magistrate Judge assigned to this case.

IT IS SO ORDERED.

Dated: December 14, 2006
Syracuse, New York



Norman A. Mordue
Chief United States District Court Judge